

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MCSQUARED PR, INC., a New York
corporation

Plaintiff,

vs.

Case No.: 1:15-cv-00961-RRM-CLP

SHARON STONE, an individual
and AMERICAN PROGRAM BUREAU, INC.,
a Massachusetts corporation

Defendants.
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PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT BY THE CLERK

Plaintiff, MCSquared PR, Inc. ("MCS"), by and through its undersigned counsel, pursuant to Federal Rule of Civil Procedure 55, respectfully moves the Clerk of the Court for entry of default against Defendant Sharon Stone ("Stone") and in support thereof states the following:

1. MCS filed a Complaint [ECF No. 1] against Stone and her agency, American Program Bureau, Inc. ("APB") for damages arising out of Stone's and APB's breach of an agreement requiring Stone's appearance in Ecuador.

2. Stone was properly served with process of the Summons and Complaint in this matter on February 25, 2015 [ECF No. 8]. Stone's deadline to file a motion or otherwise answer the Complaint was due on March 18, 2015 [ECF No. 8].

3. Although Stone moved for an extension of her deadline to file a motion or otherwise answer the Complaint, the Court did not rule on Stone's request.

4. MCS' claims against Stone are for a sum certain as described in the Complaint [ECF No. 1] and in the Affidavit of Maria Garay [ECF No. 1:18-21].

5. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default. *See* Fed. R. Civ. P. 55(a).

6. By their default, Stone admits the well-pleaded allegations of fact and liability in the Complaint. *Greyhound Exhibitgroup, Inc. v. E.L.U.L. Realty Corp.*, 973 F.2d 155, 158 (2d Cir. 1992).

WHEREFORE, Plaintiff, MCSquared PR, Inc., respectfully requests that the Clerk of the Court enter a default against Defendant, Sharon Stone for failure to plead or otherwise defend against Plaintiff's Complaint [ECF No. 1].

Dated: Miami, Florida
March 19, 2015

Respectfully submitted,

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By: /s/ Rodrigo S. Da Silva
Rodrigo S. Da Silva, Esq.
Counsel for Plaintiff, MCSquared PR, Inc.

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that a true and correct copy of the foregoing PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT BY THE CLERK was served on March 19, 2015 upon all counsel of record by filing it on that day by means of the U.S. District Court for the Eastern District of New York's Case Management/Electronic Case Filing (CM/ECF) system.

Dated: Miami, Florida
March 19, 2015